App. F IX-4

*Previous References* 194 ( Mc ) File No 79-41

Mc 79-41 (831, 32, 34+35 Serial Nos 414 424

*Later References*

# GENERAL AND REVENUE SECRETARIAT

*Serial Nos*

Part B for July 43

SUBJECT

Supply water to the Imperial Dairy Farm from the Koramangala Tank

To the Secretary to the Hon'ble the Resident in Mysore
Letter no Pol 182 & 23-7-43

States that the Govt of Mysore cannot admit the claim of the Dairy Farm that they are entitled to the use of the water from the Koramangala Tank and that however the water from the tank will be allowed to spare all the needs, Bangalore will be allowed to spare all surplus water from the tank to the farm provided they pay for the water so supplied on terms and conditions to be mutually agreed upon by the authorities of the farm and the Mysore

Clarence 27/8/43

5484
2

Continuation Sheet 2 | File No / Current No 19 | of 42-43 | Page 1

Letter No R 3 47-42/Jnl & Sy 26-2 43 from the Secretary to the Resident forwarding a copy of letter received from the Director of Dairy Research Bangalore bringing to notice the various difficulties that are to be experienced by the farm lands due to the draining of the Koramangala Tank & requesting necessary relief in the matter & submitting with a draft letter for appl.

1044
2/3/43

(Previous references temporary)

Lawley 4/3/43

3 Jan Pl Mad

Received SG
2-3-43
Dewan

OFFICE OF THE MINISTER FOR L S G & P H
Dt 3 3 43
N 1127

4) Does the land and the above below come under our Rules and are the Imperial Dairy entitled paying any water rate for the use of the water they are making the question may also be examined in consultation with the Director

Secy
4 3 43

5) Put up Secy

6) Submitted with a draft letter for appl.

11/3

Secy
10-3-43

WD 1140 GPB 50,000 [illegible]

42 To The Dr of P Health
The Chief Engineer of Mysore
The Md Commr, Bangr,
No L 9527, 9528 Dt 23-3-43
Calls for his Views on the proposal.

43 To The Dy Commr, Bangalore Dt
No L 9530 Dt 23-3-43
Calls for some information
To The Res Commr in Mysore
No L 9531 Dt 23-3-43
Forwards a copy of the above
Letter No 18561 Dt 6-4-43 from the Chief Engineer stating that the best way to ~~overcome~~ overcome the water supply difficulties to the farm lands, is to arrange to supply Sewage water to the wells etc,

Dept A (Urgent) 27/3

Subject perusal Information called for from the Dr of P Health, the Md Commr & the Dy Commr, Bgre Dt have not been received.

A reminder since received from the Residency is put up

10 A draft is put up for appl. After the issue of the reminder, an interim reply to the Residency will be submitted

1) issue a/c
2) Pay a/c

Issued No L 10,000-10,002 Dt 8/4/43

TYPING SECTION
- 8 APR 1943
GEN & REV SECTT

Drainage off the Kavamangala tank and 3
6037 Letter to the Imperial Dairy
Institute



13 Should work a draft letter to the Residency for appl
11/6 9/4. Ul The administrative dept to the
residency may be approved
reminders have been issued to the
offices concerned yesterday to send up
their reports in urgent cases

Lawley 9/4/43

15 Suspensed

Under L S G

Secy L S G
9-4-43
for
Secy
12 4 43

16) Secy
13-4-43
for Secretaries
17 Minister

To - The Secy to the Resident
No Pol 2096 Dy 16-4-43
States that the question is engaging
the attention of the Govt.

Letter No C 375-10 Dy 15-4-43 from the
Dr of P Health stating that for the reasons
stated the Bangalore Agn and el will have
to decide the question as to whether they would
agree to spend the money for the benefit
of the Dairy Farm, & whether they would give the
grant of water free of charge etc
17 Subd for perusal. Reports called for from the
Mil Commr, B'lore Dy and the Dy Commr, B'lore Dy

12121
9/4/43
MYSORE
OFFICE OF THE MINISTER
FOR L S G & P H
Date 9 4 43
No 8505

TYPING SE N
15 APR 1943
GEN & PH CTT

have not been received & they have been reminded on 8-4 43

19 An addl reply has been sent to the Residency to the effect that the question is engaging the attention of the Govt

16/4 16/4 20 The letter recd from the Director of Public Health on the subject is awaited

Imperial reply from the Officers who were reminded on 8/4/43 will be awaited

Lawsey 16/4/43

21 For perusal

Member R S C

16/4/43

From

22 16/4

18/6/43

Cus

19-4-43

From

OFFICE OF THE JT SECY FOR L S G & P H Date 16/4/43 No 8675

Jus A 20/4

Letter No A6-4267/42-43 dt 20-4-43 from the Dy Commr, Bangalore stating that the sub-Divisional officer, Blore Subdivn has reported that the Imperial Dairy Institute has not been paying any water-rate for making use of the water from the tanks

23) subd for perusal The Dy Commr states that the information as to whether the Kovammangala tank and the atchkat

Drainage of the Kodumangala Tank
625/6391

Continuation Sheet No 1 — File No / Current No — 79 of 42 — Page

are included in the revenue accounts of the said Village has been called for & that the same will be sent on receipt from the sub-Divl Officer.

24) Report called for from the Govt Commr, Boc has not been received and he will be reminded again on 1-5-43 if it is not received by that time

26/4

25) Submitted

Lawrey for 26/4/43

26) Send a reminder

Acc
27-4-43

for 27/4/43

27) Submitted with a draft reminder for approval

28/4

28) Issued

28/4/43

Issued No L 10566 28/4/43

29) The Govt Commr was reminded on 29-4-43 No report has been received so far. Submitted for orders.

4/5

30) 1) Appl put up with draft D.O. reminding to be reminded by Govt Commr

7/5/43

31) Submitted with a draft for approval

4/5

Issued No 10842

10843

10/5/43

SCY 27 APR 1943 SOV

TYPIST SECTION 28 APR 1943 GEN & REV SECTN

TYPIST SECTION 8 MAY 1943 GEN

Letter NO A6 4267/42-43 Dt 11-5-43 from the Dy Comm, Bangalore Dt furnishing further information

33) Subd. It is reported that both the Koramangala Tank and its atchkal lands are included in the Revenue Accounts of the Koramangala Village and that it is ascertained that the Imperial Dairy Institute has not been paying any water rate for making use of the water of the Tank in question

34) Reply from the ML Comm is still due and he will be reminded on 17-5-43 if no reply is received by then

14/5 W.S. 35) Put up the adhoc reply received from the ML Comm. Already on the subject

for 14/5/43

36) Subd.

37) Adhoc reply received from the ML Comm. is put up, the ML Comm has been requested to submit his report early

16/5 W.S. 38) Pl. keep file for instructions. A detailed note is to be put up

for 16/5/43

Letter NO C2-C 1470/42-43 Dt 31-5-43 from the ML Comm, Bgre, stating that the municipal council are not agreeable to any of the proposals made by the Dairy Farm

Drainage of Kodumangala tank
6942 U 7313
L

(7)

Continuation Sheet ml File No / Current No 79 of 41-42 Page

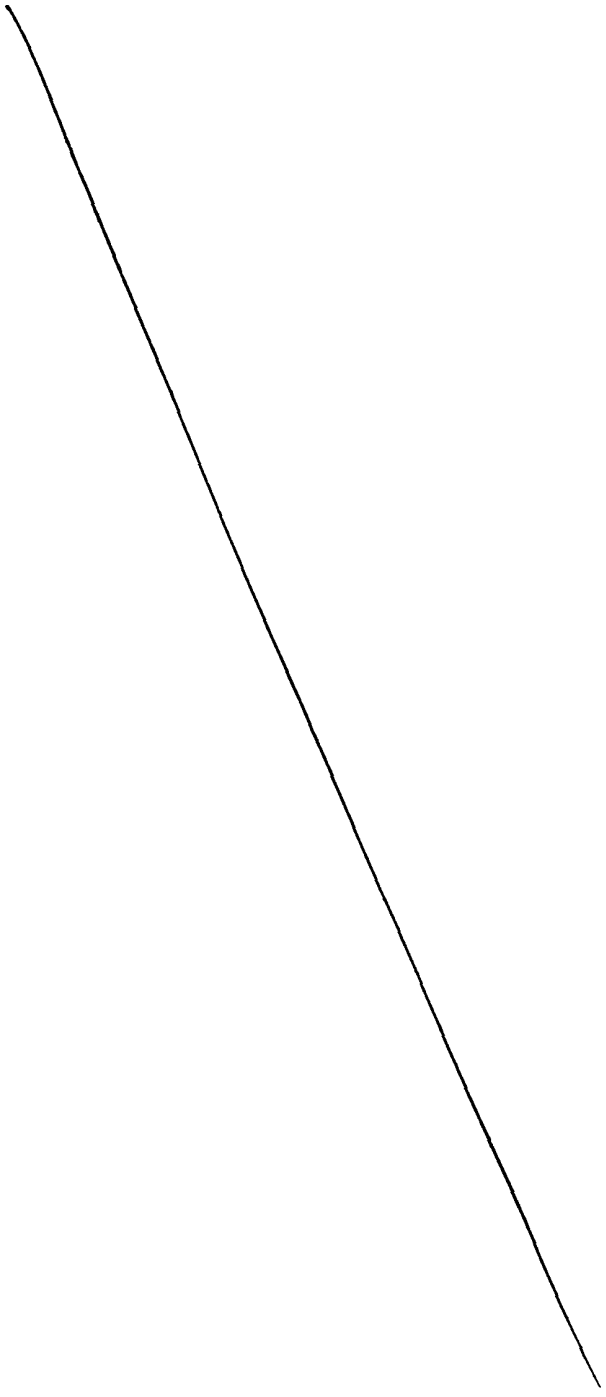
39) Reports called for from the (1) D e Bloe Dr (2) the Dr of Health, (3) Chief-Engineer Hydros P. W D & (4) the Irrl Commr. Blgs have been received & they are put up in the form of a statement

"L"

40) Subd for orders

21/6 JM

Continuation Sheet | File No / Current No | of | Page



WD 1140—GPB—50 000—5-11-42

Supply of water to the Imperial Dairy Farm (8

Continuation Sheet Mil File No 79 7317 2 of 41 Page

41) In this office letter No Pol 161 dated 21st July 1942 the Residency were informed that it was the intention of the Government of Mysore to drain the Koramangala tank of its water permanently in order to abate the mosquito nuisance both in the City and C & M Station area and that in regard to the supply of water for irrigating the farm lands attached to the Imperial Dairy Institute, it was stated that these lands were above the water spread of the tank and are adjacent to it, and do not come under the atchkat lands of the tank and that no water ~~is water~~ is being directly used for the farm lands from the said tank It was also suggested that the three wells in the Institute ~~and as well,~~ derive their supply of water from the springs and the normal underground drainage even after the tank is depleted as there would be a constant flow of water in the sewage channel and that in the event of an ~~apprehend~~ apprehended failure of water supply in the said wells, the difficulty could be overcome (1) by excavating wells in the tankbed or behind the tankbund and installing pumps, and (2) to treat the sewage and supply the existing wells and (3) to use the treated sewage after the plant has been erected by the Bangalore City Municipality and put into working order in about 2 years It was suggested that the expenditure on the above alternative would have to be incurred by the Imperial Dairy Institute, and that if the sewage water is to be used, the same will have to be purchased by making an arrangement wit the Bangalore City Municipal Council

42) All the above points are now contended by the Director of the Institute who states that the farm will no

not have sufficient supply of water unless sewage water is given direct from the main sewage tunnal He states as follows against each of the above points -

(1) It is not correct to say that the water is not supplied direct from the tank to the farm On the other hand it is being directly used as the water is let into a sub tank dredged on the farm lands - which forms part of the tank itself and from this, the water is let constantly by means of channels into the above three wells for irrigation purposes ~~As well~~ and it must be conceded that water is being taken directly from the tank

2 In regard to the point that wells are not likely to dry up owing to the constant flow of water in the sewage channel and the presence of moisture ~~of the~~ tank bed, it is stated that experience has proved otherwise ~~and that the~~ as, with the diversion of the main channel, the level of water in the wells has gone down and that the supply of water could be had from the wells only for a few hours It is therefore requested that a sufficient quantity of water may be made available from the sewage channel direct.

3 In regard to our suggestion to improve the water supply by sinking wells in the tank bed or behind the tank bund and installing pumps, it is stated that such a measure would ~~not enable~~ imply a large capital expenditure which the Government of India would not be able to provide during the war time and that the necessary equipment for installing pumps would be difficult to obtain and that even then, it is not sure to get the necessary quantity of water.

4 It is suggested that the best way of overcoming the

the difficulty is to treat the sewage and supply the existing wells and that no tapping should be allowed on the main sewage channel during ~~the course~~ its course to the tank and that "a take off" for feeding the tank from the main channel will have to be considered when a pucca sewage is built over the main channel

43) It is pointed out that that the farm has drawn water direct from the tank from 1905, the date of its inception and that this "right" of the farm should not be deprived by the depletion of the tank and if it has to be done, the sewage water should be supplied free of charge, to the farm as soon as the sewage treating station is established The Director of the Institute has therefore suggested that in order to enable the institute to supply fodder from its valuable dairy stock from which they have to supply a daily output of milk up to 7,000 pounds for the troops in Bangalore as an emergent war measure, the farm should be supplied with a sufficient quantity of sewage water from its main channel to meet the present demand for of water for the cultivation of the fodder, the sewage being properly treated before water is let off from the tank The action to ~~should~~ be taken after the main sewage channel is built and the sewage plant is put into working order is also suggested

44) While forwarding the above requests of the Director of the Institute, the Hon'ble the Resident has requested that in view of the importance of the Institute and its farm in the present emergency the requests may be complied with It is also added that the farm must have been established

11) Supply of water to the Imperial Dairy Farm



owing to the proximity of the tank from which a regular supply of water could be drawn and that the farm has been drawing the water from the year 1905 and that in view of this right the farm should be supplied with water free of cost from an alternative source in case the tank is drained as part of the sanitation scheme

45) The Bangalore City Municipal Council who were consulted in the matter have resolved as follows -

"Resolved that the Council does not accept the position that the Dairy Farm has depended on the water of the Koramangala Tank for the supply of water to its wells and that there is any obligation on the part of the Council to supply water to it The Farm is not within the Atchkat of the tank Tha tank has been breached in the interest of public health and convenience under Sections 142 and 159 of the City Municipalities Act 1933 for the removal of mosquito nuisance The Council therefore is not agreeable to any of the proposals made by the Dairy Farm

This was unanimously passed by the House "

46) The Chief Engineer suggests that the best method of ~~supplying water is to~~ overcome the water supply difficulties to the farm lands is to arrange to supply sewage water to the wells It has been ascertained from the Deputy Commissioner Bangalore District that the Imperial Dairy Farm has not been paying any water rate for making use of the water from the tank and that the Koramangala tank and its atchkat lands are included in the Revenue accounts of the Koramangala village, Bangalore South Taluk

WD 1140—GPB—50 000—5-11-42

47) It has not been stated anywhere in the correspondence that there is any written agreement between the Mysore Govt and the authorities of the Institute that water would be supplied free of cost to the farm It is for consideration ~~whether~~ the use of the water for about 40 years may be considered to be as one giving them a "right" The tank water belongs to the Mysore Government and has no use was so far being made out of it It was perhpas unauthorisedly used for irrigating the farm lands by digging a sub tank in the waste weir of the tank and drawing the water supply thereto from which the water is pumped on to the wells and used for the farm lands When the water was diverted by breaching the tank, the supply seems to have been affected and now the question of 'right' is put forward It is estimated that every day 2 millions gallons of sewage water run through the main channel out of which the farm requires only two lakhs of gallons This sewage water now belongs to the Bangalore City Municipal Council and they are not willing to supply it free of cost, as seen from the above resolution The Director of the Institute suggests that sewage water should, for the present, be supplied from the main channel after ~~a~~ treating it This means an establishment of a sewage tank and other equipment The second point is that the tapping of this water by other gardeners along ~~with~~ the route of the main channel should be prevented This proposal cannot also be accepted The sewage water is now required for growing vegetables under the atchkat of the tank.

48) An estimate for Rs 14 000 for the formation of plots for for vegetable growing leading them out to cultivators has been submitted for

sanction and action has already been taken by the Bureau of Sanitary Engineering to lay out the plots make roads etc If the sewage water is now allowed to the Imperial Dairy Farm, the supplies to the vegetable gardners would be adversely affected and the lessees would also complain

49) Points for orders -

A 1 Whether the use of the water for 40 years without permission constitutes a right and whether it could be recognised now

2 Whether the Government of Mysore are bound to supply water in the absence of any agreement to the farm lands from an alternative source, in case the tank is depleted and water for irrigating the farm lands is found insufficient

3 ~~Thirdly~~ whether a sufficient quantity of sewage water may be allowed from the main channel at present without treating it The Board of Health is not willing to allow free of cost-

50) As however, it has been pointed out that the cultivation of the farm lands would be affected unless the water is supplied during this emergency as a war measure, it is a point for consideration, whether a small quantity of sewage water may not be supplied to the sub-tank for the duration of the war and the entire position reviewed after the war is over

15176

51) A Q may be consulted Law dept 28/6/43 on the points raised

52) Forwarded with Compliments to the Advocate General Mysore for favour of opinion on the points referred to at A supra B. Ramachandra 30/6/43 Asst Secretary

Ag. 383/42 Dy Bd/6/43 Advt 1/7/43 Gen 7.7.43

WD 1140—GPB—50 000—5-11-42

53) Point referred to me for opinion may be put in legal form thus Did the enjoyment of the benefit in question by the Imperial Dairy Farm for some 40 years, create in them a title to the benefit by virtue of Art 144 of the Limitation Act, which runs thus "For possession of any interest in immovable property, 12 years (from the date) when defendant's possession becomes adverse to the Plaintiff". The answer is an emphatic no, as, firstly, if either party had to file a suit in the matter, such a suit would not be a suit for possession, whatever else it might be, and, secondly, the enjoyment of the benefit by the Imperial Dairy Farm was on sufferance and never under a claim of right, and so was never adverse Vide 4 Bom L R, 721

54) The enjoyment falls under the denomination of "easement" as defined in S 6 of the Indian Easements Act, (V of 1882) and is provided for in S 15, parah 3, of the Act which runs thus Where a right of way or any other easement has been enjoyed by any person claiming title thereto, as an easement, and as of right, for 20 years" As the ingredients comprised in the underlined phrases are totally lacking in this case, the Imperial Dairy Farm has acquired no such easement

55) To sum up, the Imperial Dairy Farm has not, by reason of its long enjoyment of the benefit in the circumstances in question, acquired any legal right for the continuance of such enjoyment

56)

14) Supply of water to the Imperial Dairy Farm

Continuation Sheet File No / Current No 59 of 41 Page 7-13

GEOY LAW DEPT 18 GOVT OF MYSORE

RECEIVED FOR L S G & P H Dat 7-7-43 No. 171

para 49, 50 of the note Law dept for 6/7/43

Lupin

(51) I agree with the advocate-General on the question of Law

(52) The Dairy Farm acquired no right to the use of Supply of water

(53) Only excess water may be allowed to be used provided payment is made for the Same for a definite period without any understanding that these would be continuous as the supply

Law 6-7-43

Dewan 7-7-43

(54) A duplicate copy may be put up regretting inability to accept the Stand taken up by the Director of the Dairy Farm and the Residency in the matter and stating how the Same would endanger the municipal Council to spare Supplies Sewage water

WD 1140—GPB—50 000—5-11-42

Con...nation Sheet

File No 7313/79 L-79 of 41/42
Current No

Page

Supply grants to the lands attached to the Imperial Dairy Institution

DE... 22 JUL 1943 NO 460

for the use of the Dairy Farm provided the Imperial Dairy Institution is agreeable to pay for the supply on the terms to be mutually agreed to by the Land Council and the authority of the Dairy Institution

Ltr 12/7/43

Ltr 13-7-43

Ltr 13/7/43

OFFICE OF T... M... ST... FOR L S G & P H Date 21 7 43 No 598

61) Filed with a draft letter for appl

Ltr 14/7 JWL 62) A typed revised draft is submitted for approval, in accordance with the above orders

Develpt Leg) for 19/7/43

Mem, of SG)

Dewan)

Ce 20/7/43

Ltr 21/7/43

Mem 22/7/43

Secy Ce 23/7 To Secy to the Resident

Ltr 23/7/43

TYPING SECTION 23 MAR 1943 GEN & PER...

To the Secy to the Resident
vide DoC 182 dy 23-7-43
He furnishes a reply in the matter

B 24/7

Continuation Sheet | File No / Current No | of | Page

Pol 1115

(16.

Th ply to th commun eah should b add ed to th Secretary to the Resident in Mysore, Bangal re, by designati d t by name.

No R F 47-42/

Mysore 79-41-4

GEN

SECRET

FROM

THE SECRETARY

TO THE HON BLE THE RESIDENT IN MYSORE

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department, Bangalore

*Dated Bangalore the 26th* Feby *1943*

Draining of the Koramangala tank adjoining the land occupied by the Imperial Dairy Institute on the Hosur Road

---

SIR

I am directed to refer to your letter No Pol 161/79-41, dated the 21st July 1942, and to forward a copy of a letter from the Director of Dairy Research, Bangalore, No C/27 of 1943, dated the 12th February 1943. In view of the great importance of the Institute and its farm in the present emergency, the Hon'ble the Resident would be grateful if the Government of Mysore could kindly see their way to comply with the request of the Director.

2 It is obvious that a farm like that of the Imperial Dairy Institute cannot exist without a sufficient supply of water. It must be conceded that the proximity of the Koramangala tank, from which a regular supply of water could be obtained, must have been the main consideration when selecting the present site for the farm. The farm has been drawing water from the Koramangala tank from the very beginning of its existence, which dates from 1905, and the Hon'ble the Resident therefore feels that it is only reasonable that when the tank is drained as a part of a sanitation scheme,

Continuation Sheet | File No / Current No 1 | of | Page

scheme, the Institute should be supplied with water from an alternative source and should not be asked to pay for it

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT

Tcn

Letter from the Director of Dairy Research to the Government of India, Bangalore, No. 2/27 of 1943, dated 12th February 1943 (18

- - - - -

Koramangala tank, drainage of - loss of irrigation facilities to the Imperial Dairy Institute lands

- - - - -

I have the honour to refer to your letter No. Ri 17-12/Ga dated the 4th August 1942, and the Government of Mysore letter No. Pol 161/11 73-41, dated the 21st July 1942, a copy of which was very kindly attached to the above letter, and to state that the point raised in the Government of Mysore letter with regard to the supply of irrigation water to the Imperial Dairy Institute from the Koramangalam tank were not replied to by this office sooner because it was considered desirable to study the conditions which would arise due to the drainage of the tank after the end of the monsoon.

2. I have now been in a position to state that the drainage of the tank has been definitely affecting adversely the supply of water from the three wells on which the farm has to depend for its irrigation, with the consequent depletion of the fodder supply to the cattle. In this connection I wish to refer to the following important points raised in the letter under question from the Mysore Government -

(a) In para IV it has been mentioned that it is ascertained that these lands are above the water-spread of the tank and are adjacent to it, and do not come under the ayacut of the Koramangala tank and water is being utilised directly from the Koramangala tank. I do not think this is quite correct. Not only does the farm lands abut on the tank over a water front of nearly 750 yards and get the water spread from the tank, but there is a sub-tank or diggi on the farm lands itself forming part of the main tank from this sub-tank two open channels are drawn which lead to two out of the three wells for irrigation purposes so constantly fed with tank water direct. Thus the water is being utilised on the farm directly from the Koramangala tank and the question of ayacut of the tank therefore, does arise.

(b) In para V it has been mentioned in connection with the depletion of the tank and conducting the sewage water to the proposed sewage farm that "even then there would be a constant loss of water in the sewage channel and some loss of moisture in the mill bed and it is improbable that the wells in the Institute would be adversely affected as they would derive their supply from springs and the normal underground drainage". My own belief and the actual experience does not bear out what has been stated. The Mysore Government started emptying the Koramangala tank little before the last monsoon by opening its sluices and although it did not by itself completely empty the tank altogether, a little water of two to three feet of water standing on major portion of the tank bed, the effect on the level of the water in the three wells was marked. One of the three wells which is about 30 feet from the tank bed and which derives its water supply from the seepage from the tank, at present, in the cold weather gives only 3 to 4 hours of pumping water as against 10 to 12 hours before the partial depletion of the tank as effected. This effect is going to be further accentuated as the complete depletion of the tank by digging a deep channel across the tank bed, which is now in full operation, is brought about. The water supply to the other two wells fed directly from the tank is similarly affected. Sufficient water is not allowed to flow to the sub-tank to keep it from the open sewage channel, as the latter is now permitted by the authorities to be tapped for the market gardeners all along the course, with the result the mill wells provide only 3 to 4 hours of pumping water in the cold season as per present, against 8 to 10 hours in the dry weather, ~~xxxx xxxx xxxxxxxxxx~~ formerly. I, therefore, look upon the approaching dry weather and the further depletion of the tank water immediately to provide the sub-tank with a sufficient quantity of water from the main sewage channel direct the mill wells due to a most difficult problem in regard to its fodder supply, especially over the other crops to be purchased in the open market. And

(c) In para IV reference has been made to the proposed diversion of the water called by the high figure mentioned by Mysore or the 17th cutcherry for correction with the drainage of the Koramangala tank. At this meeting the following alternatives to get over the difficulty were suggested -

(1) to divert water to the Imperial Dairy Institute - as here

(2) to excavate

19) (i) [illegible] bund and install pumps [illegible] would [illegible] Government of India [illegible] would not be able to provide, [illegible] forth [illegible] the necessary equipment [illegible] very difficult [illegible] problematic [illegible] requires [illegible] for irrigation purposes.

(ii) "To treat the sewage [illegible] yield [illegible] supply of irrigation water to [illegible] carried out at present [illegible] as pointed out above [illegible] supply [illegible] due to [illegible] channel during [illegible] for feeding this [illegible] channel will [illegible] over the [illegible] channel [illegible] should continue to get the [illegible] at present [illegible].

(iii) "To use the treated sewage water [illegible] erected by the Bangalore Municipality and put into working order in about [illegible] and [illegible] treated sewage for irrigation of crops [illegible] Dairy Farm will [illegible] the most satisfactory solution to the problem [illegible] justification [illegible] the Imperial Dairy Institute [illegible] called upon [illegible] for such supply of water, when [illegible] matter of right the [illegible] continued drawing upon the [illegible] direct from the [illegible] ever from its inception in 1905. If [illegible] is to [illegible] deprived of this right by the completion of the [illegible], the [illegible] should be compensated [illegible] for the loss [illegible] suggest [illegible] to provide [illegible] water free of charge to [illegible] treatment [illegible] established.

3. In view of what [illegible] been [illegible] it will be [illegible] that the Imperial Dairy Institute [illegible] deprived [illegible] right to obtain free supply of water from the [illegible] requirements but with the depletion of the [illegible] in [illegible] difficult position [illegible] in regard to the supply of fodder for its valuable dairy stock. This situation is going to be further [illegible] that the Imperial Dairy Institute [illegible] been called upon by the Defence Department to increase its daily output of milk from 2000 [illegible] lb [illegible] for the troops in Bangalore, [illegible] emergency [illegible], therefore, to request that [illegible] would be so good [illegible] to the [illegible] above the difficulties [illegible] above and arrange to obtain [illegible] for the Imperial Dairy Institute the following -

(a) Sufficient quantity of sewage [illegible] channel to meet the present demands for the irrigation [illegible] for the cultivation of the fodder crops. This [illegible] till [illegible] the open channel leading to the [illegible] (or large) [illegible] lands as suggested in [illegible] (2) [illegible] proceedings of the meeting of the Committee held by the Chief Engineer on 13th [illegible] 1942.

(b) A "take off" from [illegible] when it is built in by a pucca sewer, and

(c) Sufficient quantity of [illegible] free of charge [illegible] and when [illegible] into working order [illegible] contemplated in item (3) of the proceedings of [illegible] above referred to.

4. I shall be further obliged if this [illegible] dealt with not only as of urgent importance, in view of [illegible] but as one in connection with the war effort in view of [illegible] large [illegible] for larger quantities of dairy products for the troops in Bangalore by the Defence Department.

- - - - - - - - -

SR

(1)

(20

Appendix F G—11

SUBJECT Corps

DSP

Section ML

File No 79—41

Serial No 42

*Diary No of letter replied to*

No L 95-27

General and Revenue Secretariat

( )

*the* *191*

To

The Dr of P Health

L 95-28 The Chief Engineer Cauvery Power Scheme

L 95-29 Sub. Mysore

~~A C Howard Esqr~~

Date of issue 23/3

I am directed to forward.

Signed by J M L Rhodes

T S Plimsoll Esqrs

herewith copy of letter NO R-Z 47-42

Jud Dy 26-2 43 received from

the Secretary to the Honourable

the Resident in Mysore, B'lore

to letter with a copy of its

enclosure in the matter of the

T S Plimsoll Esqrs

Drawing of the Kovamangala

Tank and to request you

to be so good as to forward

List of enclosures

with your views on the proposal

~~a report in the matter very early~~

~~for being sent to the Residency~~

Coded by

The matter may be

kindly treated as

Examined by

immediate

for Secy to Govt

Ms

Law Deptt

WD 4161—GPB—60 000—24 10 41

Via Copies L 9530 MR 79-41-4311 M

121

To The Dy Commr,
Bangalore Dt

Sir, I am directed to forward herewith ~~a~~ copy of letter No R 7147-42 Jdsk. Dy 26-2-43 received from the Secretary to the Honourable the Resident in Mysore, Bloe, to letter with a copy of its enclosure in re matter of Draining of the Kyramangala Tank and to request ~~you~~ it to be so good as to state whether the Kyramangala tank and the chkat ~~below Kyramangala Corner~~ are within the ~~bonds~~ of the revenue ~~tennts~~ accounts of the Kyramangala valley and whether the authorities of the Imperial Dairy Institute are paying any water rate for the water they are making use of from the tank

The favour of an early reply is requested

Memorandum L 9531 26-3-43
copy sent to the Revenue Dept
in Mysore for info

Dy Commr etc
Law Secy to Govt

MEMORANDUM

From

The Chief Engineer of Mysore,
Public Works Department,
Bangalore

To

The Secretary to Government,
Law Department, Bangalore.

Draining of the Koramangala tank and the supply of water to the Imperial Dairy Institute

---

Sir,

With reference to your letter No L 9528/Ml. 79-41-43 dated 23-3-43 on the above subject, I have the honour to state that the best way to overcome the water supply difficulties to the Farm lands, is to arrange to supply sewage water to the wells The Director of Public Health may also be kindly consulted in the matter

I have the honour to be,
Sir,
Your most obedient servant,

7/4/43

CHIEF ENGINEER OF MYSORE

KS/3-4

WD 2392—GPB—100 re m —6 8 37

[Please reply overleaf

*MEMORANDUM*

| *Reply from* | *To* | *193* |
| --- | --- | --- |

(25

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No *Bangalore dated* 22nd March 19

FROM

*The Secretary to the Government of His Highness*
*the Maharaja of Mysore*

To Law Department
The Dr of Health
The Chief Engineer
The Mil comm. Bang

Sir,

I am directed to forward herewith copy of letter No R F 47-12/Jud dated 26th February 1945 received from the Secretary to the Hon'ble the Resident in Mysore, Bangalore, together with a copy of its enclosure in the matter of draining of the Doraisangala tank and the supply of water to the Imperial Dairy Institute and to request you to be so good as to favour Government with your views on the proposal made therein for supplying water to the Imperial Dairy Institute.

The matter may be kindly treated as immediate

I have the honour to be,
Sir,
Your most obedient servant,

(Draft)

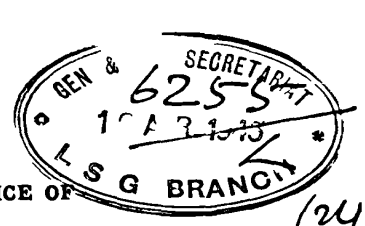
for Secretary to Government,
Law Department

Aga/4

*Reply from*

F No 45]

**GOVERNMENT OF MYSOGE**




T I g m ph

OFFICE OF THE DIRECTOR OF PUBLIC HEALTH (24

No C 375-10
Encls

E N & LORE

Date April 13, 1943

To

The Secretary to Government,
Law Department, Bangalore

Sir

With reference to your letter No L 9627/M1 79-41-46 42 dated 22/23rd March 1943, I have the honour to inform that the points raised in the letter are (1) a legal point whether the Imperial Dairy Farm has a right for the water and hether they have gained this right by previously making the arrangements with the Municipality or with the Government and (2) secondly a recuest is made to make necessary arrangements at the cost of the Municipality and supply the Dairy Farm with the recuired quantity of treated sewage free of cost As regards the first point I am not in a position to give any opinion Even as regards the second point the sewage disposal works and the outfall works will be under the charge of the Department until they are completed and they are the property of the municipality Whether the municipality would agree to spend the money for the benefit of the Daity Farm and whether they would give the quantity of water free of charge will have to be decided by the Municipal Council

I have the honour to be,
Sir,
Your most obedient servant,
O Gavekamy
Director of Public Health

KAJ

No A6-4267/42 43

Office of the Deputy Commissioner
Bangalore District
Dated Bangalore 20th April 1943

To
C Narayanaswami Naidu Esq B A B L
Secretary to the Government of Mysore
Law Department Bangalore

Sir

Subject:- Draining of Koramangala tank Bangalore Taluk and representation of Imperial Dairy Institute

---

With reference to your letter No L 9530/L 79 41 42 dated 27/23rd March 1943 asking for certain particulars on the above subject I have the honour to state that the Sub Division Officer Bangalore Sub Division has reported in his No L Bi-1195/42 43 dated 3th April 1943 that the Imperial Dairy Institute has not been paying any water rate for making use of the water from the tank He has not furnished the information as to whether the Koramangala tank and the atchkat are included in the Revenue Department accounts of the said village He has been called upon to furnish a report on the point On hearing from him I shall write to you again

I have the honour to be
Sir
Your most obedient servant

Deputy Commissioner
Bangalore District

avm/-

mlt

Office of the Deputy Commissioner
Bangalore District
Dated 11th May 1943

1896/26

O A C 4257/ 2-43

SECY LAW DEPT To 14/5/43 GOVT OF MYSORE

From

Sriyenagamy Naidu Esqr., B.A., B.L.,
Secretary to the Government of Mysore,
Law Department, Bangalore

Sir,

Draining of the Koramangala Tank
Bangalore (South) Taluk

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With reference to your letter No L 9530/ Rly 79-11-42 dated 22/23rd April '43, on the above subject, and in continuation of my letter of even No dated 21st April '43, I have the honor to state that the Sub Division Officer, Bangalore, reports that both the Koramangala Tank and its catchment lands are included in the Jamabandi Accounts of Koramangala village, Bangalore South Taluk and that it is asserted that the Imperial Dairy Institute has not been paying any assessment for maintenance use of the water of the tank in question

I have the honor to be
Sir,
Your most obedient servant,

for Deputy Commissioner 11/5
Bangalore District

by absent from Station

6,665

# BANGALORE CITY MUNICIPALITY

7313 27

No C2-C 1470/42-43

Encl One

MUNICIPAL OFFICE

Bangalore 31st May 1943

FROM P Suryanarayana Setti, Esq , B A , LL B
~~ABDULAZIZ KHANYESUFX~~
MUNICIPAL COMMISSIONER
*Bangalore City*

SECY LAW DEPT GOVT TO H YSORE

To

C Narayanaswamy Naidu Esq , B A , B L ,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

SIR

With reference to your letter No L 9529/M1 79-41-43 dated the 22/23rd March 1943, in the matter of draining of the Koramangala Tank and supply of water to the Imperial Dairy Institute, I have the honour to state that the matter was considered by the Municipal Council at their meeting held on 25-5-1943 They have resolved that the Council does not accept the position that the Dairy Farm has depended on the water of the Koramangala Tank for the supply of water to its wells, that there is any obligation on the part of the Council to supply water to it and that they are not therefore agreeable to any of the proposals made by the Dairy Farm A copy of the Council resolution is herewith forwarded for favour of orders of the Government

I have the honour to be,
Sir,
Your most obedient servant,

Forwarded with compliments

V K Ramdasayya

P Suryanarayana Setti
Municipal Commissioner

mlt

(28

Proceedings of the adjourned ordinary general meeting of the City Municipal Council Bangalore held on Tuesday the 25th May 1943

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Draining of the Koramangala Tank as a Sanitary measure and the request of the Imperial Dairy Institute for certain facilities in respect of the supply of water to their Farm lands

The President moved the following resolution

' Resolved that the Council does not accept the position that the Dairy Farm has depended on the water of the Koramangala Tank for the supply of water to its Walls and that there is any obligation on the part of the Council to supply water to it The Farm is not within the Akhkat of the tank The tank has been breached in the interest of public health and convenience under Sections 142 and 159 of the City Municipalities Act for the removal of mosquito nuisance The Council therefore is not agreeable to any of the proposals made by the Dairy Farm

This was unanimously passed by the House

Sd V P Govindarajulu
Hon President

'Copy'

P Srinivasachar
Municipal Commissioner

mlt

**Proceedings** of the adjourned meeting of council held in the City Municipal Offices, Ban alore City on Tuesday the 25th May 1943 at 4 P M

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Present

V I Govindarajulu, Esq , B A , B L ,
Hon President

| Messrs | | Messrs | |
|---|---|---|---|
| 1 | R Subbanna | 12 | P R Ramiah |
| 2 | T L Gangoji Rao | 13 | C Krishna Rao |
| 3 | Ramalal Thiwari | 14 | M I Narayana Iyengar, B A B L |
| 4 | V Venkataramanappa | 15 | B Subbiah, B Sc , LL B |
| 5 | G Nanjappa | 16 | Mohamed Ghouse |
| 6 | T Gangadharaswamy | 17 | Mirza Azeezulla Beig |
| 7 | V Venkatas amy Chetty | 18 | A R A Basith |
| 8 | P Ganga Setty | 19 | H B Mohamed Khan |
| 9 | I N Ramaswamy, B A | 20 | Dr M D Koyan, M D |
| 10 | C N Narasinga Rao, B A , B L | | |
| 11 | M A Govalaswamy Iyengar, M A , LL B | | |

Absent

| Messrs | | Messrs | |
|---|---|---|---|
| 1 | J H Hanumanthappa | 5 | P Shamarajaiengar, B A |
| 2 | L S Raju, M A (Hons) B L , | 6 | M R Guruv Reddy, B A , LL B , |
| 3 | K Hanumanthaiya, B A , LL B | 7 | M Krishnaswamy Pillay |
| 4 | B S Shan arappa Setty | 8 | Kota Kamakshiah Setty |
| | | 9 | Mr V Chikkayellappa |

NPal 182 Mc 29-41 423.7 43 (30) 2

To

The Secretary to the Hon'ble the Resident
in Mysore

Subject - Draining of the Koramangala tank and supply of water to the adjoining lands belonging to the Imperial Dairy Institute Farm on the Hosur road

Sir,

With reference to the correspondence ending with your letter No R F 47-42/G&A, dated the 19th June, 1943, on the above-~~mentioned~~ subject, I am directed to state that the question of the alleged right of the Imperial Dairy Institute Farm to the use of the water of the Koramangala tank for the irrigation of the Farm lands has now been examined. The Govt of Mysore regret, ~~to find that~~ the Director of ~~the Farm~~ Reserve the right to withdraw ~~should put forward a claim for~~ the free supply of water from the tank as a matter of right in ~~virtue~~ view of the fact that ~~the Farm has had~~ been in the enjoyment of this ~~benefit for many years~~ privilege from 1905. ~~An examination of the question in its legal and other aspects shows, however, that the Farm had~~ The fact is that the Farm has been using the water ~~of the tank more~~ all along and on sufferance ~~than on any other ground and never under a claim of right, and that at all events, it~~ has acquired no legal right to the continuance of such ~~free supply~~ a privilege. The Govt would however

In the circumstances, the Govt, I am to say, regret that they are unable to accept the position taken by the Director in this matter, but they would be prepared to

advise the City Municipal Council of Bangalore, to whom the sewage water belongs to spare all the surplus water for the use of the [redacted], provided the authorities of the Farm agree to pay for such supply on terms to be mutually agreed upon between them and the Municipal Council

I have etc ,

Secretary to Government,
Law Department

(32

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

*Dated Bangalore* 23rd July 1943.

No PdC 182

FROM

The *Secretary to the Government of His Highness the Maharaja of Mysore*
Development Department

To

*The Secretary to the Hon'ble the Resident in Mysore,*
*Bangalore*

Subject - Draining of the Koramangala tank and supply of water to the adjoining lands belonging to the Imperial Dairy Institute Farm on the Hosur Road.

Sir,

With reference to the correspondence ending with your letter No. R.F. 47-42/G & A., dated, the 19th June, 1943, on the above subject, I am directed to state that the question of the alleged right of the Imperial Dairy Institute Farm to the use of the water of the Koramangala tank for the irrigation of the farm lands has now been examined. The Government of Mysore regret that they are unable to accept the contention of the Director of Dairy Research that the Farm is entitled to the free supply of water from the tank as a matter of right in view of the fact that it has been in the enjoyment of this privilege from 1905. The fact is that the Farm has been using this water all this time on sufferance and not as a matter of right. It has, therefore, acquired no legal right to the continuance of such a privilege. The Government would, however, be prepared to advise the City Municipal Council of Bangalore, to whom the sewage water belongs, to spare all the surplus water for the use of the Farm, provided the authorities of the Farm agree to pay for such supply on terms to be mutually agreed upon between them and the Municipal Council.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary to Government,
Development Department.